

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

Datanet LLC,

Plaintiff,

v.

Dropbox Inc.,

Defendant.

Case No. 6:22-CV-01142-OLG

**JURY TRIAL DEMANDED**

**DATANET’S UNOPPOSED RULE 60(b)(1) MOTION**

Plaintiff Datanet LLC hereby moves the Court pursuant to Fed. R. Civ. P. 60(b)(1) to rescind its June 13, 2023 Order transferring this case. Dkt. No. 31.

The Court’s Order states that “No response has been filed within the time allowed under the rules” and therefore concludes that the Motion to Transfer is “undisputed.” Dkt. No. 31. These statements appear to have been made in error. Datanet opposes the Motion to Transfer and intends to timely file a response brief. Datanet’s response brief is currently due August 2, 2023.

The Scheduling Order states that the parties may take venue discovery regarding the Motion to Transfer for a period of “10 weeks after Motion to Transfer filed” and that Datanet’s response to the Motion to Transfer is due “2 weeks after Venue Discovery Closes.” Dkt. No. 27 at 2. The Motion to Transfer was filed May 10, 2023 and Datanet is currently engaged in venue discovery. Datanet’s response brief is, therefore, currently due August 2, 2023 under the Scheduling Order.

Accordingly, Datanet respectfully requests that the Court rescind its June 13, 2023 Order (Dkt. No. 31) until after the Motion to Transfer has been fully briefed. Dropbox does not oppose this Motion.

Dated: June 13, 2023

Respectfully submitted,

/s/ Alden G. Harris

Alden G. Harris  
State Bar No. 24083138  
aharris@hpcllp.com  
HEIM PAYNE & CHORUSH, LLP  
1111 Bagby St., Suite 2100  
Houston, Texas 77002  
Telephone: (713) 221-2000  
Facsimile: (713) 221-2021

Gregory P. Sitrick (admitted pro hac vice)  
Isaac S. Crum (admitted pro hac vice)  
Messner Reeves LLP  
7250 N. 16th St., Suite 410  
Phoenix, Arizona 85020  
Telephone: (602) 457-5059  
Facsimile: (303) 623-0552  
gsitrick@messner.com  
icrum@messner.com

**ATTORNEYS FOR PLAINTIFF  
DATANET LLC**

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record have been served with a copy of the foregoing document on June 13, 2023.

/s/ Alden G. Harris  
Alden G. Harris

**CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that he has conferred with opposing counsel, and this motion is unopposed.

/s/ Alden G. Harris  
Alden G. Harris